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August 2, 2011

Mr. Neal Abelson, Chairman  
Seekonk Planning Board  
100 Peck Street  
Seekonk, MA 02771

**Re: *Costa Development, LLC***  
***Ricard Street Subdivision - Request for Extension of Surety***

Dear Chairman Abelson & Members of the Planning Board:

Please be advised that the undersigned is legal counsel to the applicant in regard to the above referenced subdivision project. On October 26, 2010 the Planning Board approved a surety in the amount of \$144,000.00 for the construction of the improvements for the above captioned subdivision project. In accordance with the Planning Board's decision, the applicant has one year to post that bond with the Town. The applicant hereby requests a one (1) year extension of the time period in which to post the aforesaid bond which would give him up to and including October 26, 2012 to post the bond.

As grounds for his request, the applicant maintains that following Planning Board's approval of the bond, a dispute arose between the applicant and the property owner of 1370 Newman Avenue as to the enforceability of the water and drainage utility easements on that property (1370 Newman Avenue). As a result of the dispute and the parties inability to come to an agreement, the matter is now in litigation before the Land Court in Boston, Massachusetts. As a result of this dispute in litigation, the applicant is unable to proceed with construction of the subdivision improvements at this time which is therefore why we are requesting a one (1) year extension of the time period in which to post the bond. The applicant is optimistic that the litigation will be able to be resolved within a one (1) year time period.

Mr. Neal Abelson, Chairman  
2 August 2011  
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The applicant respectfully requests that the Planning Board place this on its next available agenda for consideration. Should you have any further questions or require additional information, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in dark ink, appearing to be 'ESB' followed by a long horizontal stroke.

Eric S. Brainsky

ESB:jmr

*Cc: Michael Costa*

*John Hansen, AICP Town Planner*